

REMARKS

Claims 1 and 3-64 are pending in this application. Claims 1 and 3-21 are rejected; claims 63-64 are objected to. Claims 22-62 were previously withdrawn. Claims 63-64 are withdrawn hereby.

Responsive to the objection to claims 63-64, claims 63-64 are withdrawn.

Applicants request reconsideration of the rejections of claims 1 and 3-21.

Responsive to the rejection of claims 1 and 3-11 and claims 15-19 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent Application Publication No. US 2004/0237210 (Thoroe-Scherb et al.), Applicants respectfully traverse the rejection of claims 1 and 15. Accordingly, Applicants submit that claim 1, and claims 3-11 depending therefrom, and claim 15, and claims 16-19 depending therefrom, are in condition for allowance.

Thoroe-Scherb et al. discloses a method and an apparatus 10 for manufacturing a fiber web 12 provided with a three-dimensional paper structure. Fig. 3, for instance, shows a pulp suspension being introduced into a material inlet gap 44 by way of a headbox 48. A dewatering fabric 42 and an imprinting fabric 14 guide the pulp suspension around a forming roll 46, the pulp suspension being interposed between dewatering fabric 42 and imprinting fabric 14, which is also called a dewatering fabric (para. 82).

In contrast, claim 1 recites in part “providing a fiber slurry through a headbox to a nip formed by a structured fabric and a forming fabric; collecting fibers from said fiber slurry predominately in a plurality of valleys of said structured fabric; and dewatering in a forming area of the paper machine said fiber slurry through said forming fabric and not through said structured fabric.” (Emphasis added). Applicants submit that such an invention is neither taught, disclosed or suggested by Thoroe-Scherb et al., or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Claim 15 recites in part “supplying a fiber slurry to a nip, said nip formed by a structured fabric and a forming fabric; dewatering in a forming area of the paper machine said fiber slurry through said forming fabric and not through said structured fabric, thereby creating the web.” (Emphasis added). Applicants submit that such an invention is neither taught, disclosed or suggested by Thoroe-Scherb et al., or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Applicants submit two primary arguments in response to the rejection of claims 1 and 15. First, Thoroe-Scherb et al. discloses a “former with two peripheral dewatering fabrics 14 and 42” (para. 82). In calling imprinting fabric 14 a “dewatering” fabric, Applicants submit that Thoroe-Scherb et al. provides that the direction of dewatering is through at least dewatering fabric 14. This is a logical interpretation of the term “dewatering fabric.”

Furthermore, Applicants submit that U.S. Patent Application Publication No. 2005/0167067 (Crook et al.) supports this common sense interpretation of “dewatering fabric.” Crook et al. discloses a dewatering fabric 20, a web 12, and a structured fabric 14 being pressed against a vacuum roll 18 by a belt press assembly 22 such that dewatering occurs *through* dewatering fabric 20 (para. 19)(Fig. 1). Applicants submit that the direction of dewatering in Thoroe-Scherb, then, directly contradicts claims 1 and 15 of the present invention.

Second, the current Office Action provides an alternative interpretation of Thoroe-Scherb et al. That is, page 5 of the Office Action states that Thoroe-Scherb et al. “does not recite that dewatering occurs through the structured or ‘dewatering’ fabric 14 in the forming area of the paper machine.” (*See also* page 3 of the Office Action). Even assuming, for the sake of argument, that Thoroe-Scherb et al. does not explicitly disclose that dewatering occurs through dewatering fabric 14, Thoroe-Scherb et al. still fails to disclose that dewatering does *not* occur through dewatering fabric 14. In other words, assuming this latter interpretation is correct, Thoroe-Scherb

et al. is completely silent as to whether dewatering occurs in the direction of dewatering fabric 14. Silence on this issue is not a disclosure that dewatering does not occur through a structured fabric in the forming area. Attorney Kelly R. Bailey presented the essence of these two primary arguments, relative to claim 1, to Examiner Mark Halpern during an interview by telephone on March 28, 2007, which did not result in an agreement.

An advantage of the present invention is that the structured fibrous web has a higher basis weight in pillow areas, as compared to prior art. Further, fiber to fiber bonds are not broken as they can be in impression operations, which expand the web into valleys. Yet further, the structured fibrous web is more bulky or absorbent, as compared to prior art.

For the foregoing reasons, Applicants submit that claim 1, and claims 3-11 depending therefrom, and claim 15, and claims 16-19 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Thoroe-Scherb et al. However, claim 12 depends from claim 1, which is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claim 12 is also now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 13-14 under 35 U.S.C. § 103(a) as being unpatentable over Thoroe-Scherb et al., Applicants respectfully traverse the rejection of claim 13. Thoroe-Scherb et al. is discussed above.

In contrast, claim 13 recites in part “a plurality of pillow portions each having a first basis weight property; and a plurality of connection portions each having a second basis weight property, each of said connection portions connecting at least two of said plurality of pillow portions, said first basis weight being greater than said second basis weight.” (Emphasis added).

Applicant submits that such an invention is neither taught, disclosed or suggested by Thoroe-

Scherb et al., or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Thoroë-Scherb et al. discloses “pillows” “which increase the water absorption capability and the bulk” (para. 36), raised/closed zones which “result[] in the desired water absorbing capability and the desired bulk” (para. 32)(Figs. 6-7), and recessed zones or bores which “result[] in web zones of high density for strength” (para. 32)(Figs. 6-7). Applicants submit, however, that Thoroë-Scherb et al. fails to disclose a comparison of the pillow portion *basis weight* and the connection portion *basis weight*. Additionally, claim 13 does not include a limitation regarding thickness. Moreover, in light of Figs. 2-11 of the present application, pillow portions may or may not be thicker than connection portions. Furthermore, Applicants submit that while Fig. 7 of Thoroë-Scherb shows web 12 through press nip 18 with imprinting fabric 14, Thoroë-Scherb et al. fails to disclose a comparison of the thickness of pillow portions to connection portions of a finished structured web. (*See also* para. 98). Consequently, relative to claim 13, Applicants submit that an argument that “the thicker portions [obviously] have greater basis weight than the leaner portions” does not address claim 13. (*See* page 4 of Office Action dated January 18, 2007).

An advantage of the present invention is that the structured fibrous web is more bulky or absorbent, as compared to prior art.

For the foregoing reasons, Applicants submit that claim 13, and claim 14 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

Claims 20-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Thoroë-Scherb et al. However, claims 20-21 depend from claim 15, which is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 20-21 are also now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,

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Electronically filed: April 18, 2007

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